

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**ROBERT LEON HILLMAN,**

**Plaintiff,**

**vs.**

**Case No.: 2:18-cv-154  
JUDGE GEORGE C. SMITH  
Magistrate Judge Jolson**

**STATE OF OHIO,**

**Defendant.**

**ORDER**

On February 23, 2018, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the Plaintiff's Motion to proceed *in forma pauperis* be denied pursuant to the "3 strikes provision," that Plaintiff has previously filed 3 cases that were dismissed for failure to state a claim upon which relief can be granted. Further, it was recommended that if Plaintiff intends to pursue this action, he must pay the full \$400.00 filing fee within thirty days. (*See Report and Recommendation*, Doc. 2). The parties were advised of their right to object to the *Report and Recommendation*. This matter is now before the Court on Plaintiff's Objection to the Magistrate Judge's *Report and Recommendation*. (*See* Doc. 3). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff's Objections assert a number of legal issues, but the only one relevant to the *Report and Recommendation* is his claim that he is under imminent danger. The Three Strikes Provision of the Prison Litigation Reform Act "(PLRA)" prohibits Plaintiff from proceedings unless he "is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

Plaintiff asserts that his health care needs are being ignored while incarcerated. He also argues that he is in danger simply by being incarcerated “alongside of killers rapist, and others.” (Doc. 3 at 2). After carefully considering Plaintiff’s argument, the Court does not find that he has demonstrated that he is under imminent danger of serious physical injury to allow him to proceed *in forma pauperis* under the PLRA exception to the Three Strikes Provision.

Therefore, Plaintiff’s objections are without merit and are hereby **OVERRULED**. The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. Plaintiff’s Motion to proceed *in forma pauperis* (Doc. 1) is hereby **DENIED**.

Additionally, Pursuant to the Magistrate Judge’s February 23, 2018 *Report and Recommendation* and this Order adopting that *Report and Recommendation*, Plaintiff is hereby required to pay the entire \$400.00 filing fee within thirty days of the date of this Order. If Plaintiff fails to do so, this case will be dismissed.

The Clerk shall remove Documents 1 and 2 from the Court’s pending motions list.

**IT IS SO ORDERED.**

/s/ George C. Smith  
**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**